



FAIR COMPETITION COMMISSION



**IN THE MATTER OF THE FAIR COMPETITION ACT NO. 8 OF
2003**

IN THE MATTER OF A FAIR COMPETITION - COMPLAINT

DOCKET NO. FCC/Comp/1 of 2013

BETWEEN

FAIR COMPETITION COMMISSION - COMPLAINANT

AND

CATALYST C&C HOLDING LLC - RESPONDENT

PUBLIC NOTICE

(Provisional Findings Issued Pursuant to Rules 10(9) and 19(7) of the Fair Competition Procedure Rules, 2013 in respect of the infringement of the Provisions of the Fair Competition Act, 2003)

The Fair Competition Commission (FCC) is an independent Government body established under the Fair Competition Act No. 8 of 2003 (FCA). The object of the FCA is to enhance the welfare of the people of Tanzania as a whole by promoting and protecting effective competition in markets and preventing unfair and misleading market conduct throughout Tanzania Mainland.

In December 2012, M/S Catalyst F&B Holdings LLC appeared before the Commission for oral submissions in respect of a merger application it had filed and which was, at the time pending before the Commission. During the oral hearing session, it was made known that the Respondent had earlier acquired some interests in Chemi & Cotex Industries Limited. It was also noted that this transaction was not notified to the Commission as required by the FCA and the Fair Competition Commission Rules, 2013.

Consequently, around March, 2013, the Commission (Complainant) initiated an investigation process in accordance with Section 69(1) of the FCA and Rule 10 (1) (c) of the FCC Rules, in respect of the Respondent's acquisition of shares in Chemi & Cotex Industries Ltd. The purpose of its investigation was to ascertain whether the acquisition amounted to a notifiable merger as per Section 11 (2) of the FCA (read together with paragraph 2(2) of the Fair Competition (Threshold for Notification of a Merger) Order, 2007, as amended by GN No. 93 of 17th April 2009 (the Threshold).

Through investigation of the said allegations, the Commission has provisionally established that transaction was a notifiable merger and was concluded contrary to section 11 (2) of the FCA.

THUS, BY THIS PUBLIC NOTICE, any person (legal or natural) who has reasons to believe that the alleged conduct of the Respondents has affected or is affecting that person's material interests is invited by the Commission, pursuant to Rule 10(9) of the FCC Procedure Rules, 2013, to file written submissions. The submissions should reach the Commission within 21 days from the first day of publication of this **NOTICE** and be sent to the following address:

Fair Competition Commission
Ubungo Plaza, 2nd Floor Western Wing
P.O.Box 7883
Dar es Salaam, Tanzania
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Email: info@competition.or.tz

TAKE FURTHER NOTICE that Provisional Findings of the Commission have been issued to the Respondent.

Issued at Dar es Salaam thisday of 2015

BY THE ORDER OF THE COMMISSION

The Fair Competition Commission
Ubungo Plaza, 2nd Floor Western Wing
P. O. Box 7883, Dar-es-Salaam, Tanzania.